

THE FALKIRK COUNCIL (DRINKING ALCOHOL IN PUBLIC PLACES) BYELAWS 2017

The Falkirk Council (“the Council”) in exercise of the powers conferred upon it by sections 201, 202 and 203 of the Local Government (Scotland) Act 1973, and of all the other powers enabling it in that behalf, hereby makes the following byelaws:-

Interpretation and Citation

1. (1) in these byelaws, unless the context otherwise requires –

“alcoholic drink” has the same meaning as in the Licensing (Scotland) Act 2005;

“licensed premises” has the same meaning as in section 147(1) of the Licensing (Scotland) Act 2005 but does not include premises in respect of which there is a provisional premises licence (within the meaning of section 45(5) of that Act);

“occasional licence” has the same meaning as in Section 56(1) of the Licensing (Scotland) Act 2005;

“designated place” means any place to which the public have access within the areas specified in Schedule I and Schedule II to these byelaws and shown edged in red and shaded pink on the plans annexed and signed as relative hereto.

(2) These byelaws may be cited as “The Falkirk Council (Drinking Alcohol in Public Places) Byelaws 2017”.

Application

2. These byelaws shall not apply-
 - (a) on 31 December from 6pm until the end of that day; and
 - (b) on 1 January, until 6am.

Offence

3. (1) Any person who consumes alcohol in a designated place, or is found to be in possession of an open container containing alcohol in a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) It shall not be an offence against these byelaws to do anything in any designated place which comes within the meaning of licensed premises.

Presumptions

4. (1) This byelaw applies for the purposes of any trial for an offence against these byelaws.
- (2) Any liquid found in a container shall, subject to the provisions of this byelaw, be presumed to conform to the description of the liquid on the container.
- (3) A container which is found to contain –
 - (a) no liquid;
 - (b) insufficient liquid to permit analysis

shall, subject to the provisions of this byelaw, be presumed to have contained at the time of the alleged offence liquid which conformed to the description of the liquid on the container.

- (4) A person shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in paragraphs (2) or (3) above unless, not less than 7 days before the date of the trial, he has given notice to the prosecutor of his intention to do so.

Public Notice of Effect

5. (1) The Council shall give notice of the effect of these byelaws on the Council website.
- (2) It shall be no defence in proceedings against a person for an offence under these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

Revocation of Preceding Byelaws

6. The preceding Falkirk Council Byelaws Prohibiting the Consumption of Alcoholic Liquor in Designated Public Places made by the authority are hereby revoked.

Sealed with the Common Seal of Falkirk Council and subscribed for it and on its behalf by the Chief Governance Officer and Proper Officer for the purposes of Section 202 of the Local Government (Scotland) Act 1973, at Falkirk on

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Chief Governance Officer or
Proper Officer
Falkirk Council

SCHEDULE I

LIST OF DESIGNATED PLACES

Each of the areas specified below is a designated place for the purpose of these byelaws.

1. ALL and WHOLE the Village of Airth within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 1 annexed to and forming part of these byelaws.
2. ALL and WHOLE the Loan and Muiravonside Country Park within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 2 annexed to and forming part of these byelaws.
3. ALL and WHOLE the Village of Avonbridge within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 3 annexed to and forming part of these byelaws.
4. ALL and WHOLE the Village of Blackness within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 4 annexed to and forming part of these byelaws.
5. ALL and WHOLE the Town of Bo'ness within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 5 annexed to and forming part of these byelaws.
6. ALL and WHOLE the Village of California within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 6 annexed to and forming part of these byelaws.
7. ALL and WHOLE the Village of Dunmore within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 7 annexed to and forming part of these byelaws.
8. ALL and WHOLE the Village of Limerigg within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 8 annexed to and forming part of these byelaws.

9. ALL and WHOLE the Village of Skinflats within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 9 annexed to and forming part of these byelaws.
10. ALL and WHOLE the Village of Slamannan within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 10 annexed to and forming part of these byelaws.
11. ALL and WHOLE the Village of Standburn within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 11 annexed to and forming part of these byelaws.
12. ALL and WHOLE the Village of Torwood within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 12 annexed to and forming part of these byelaws.
13. ALL and WHOLE the Village of Whitecross within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 13 annexed to and forming part of these byelaws.

SCHEDULE II
LIST OF DESIGNATED PLACES

Each of the undernoted Villages and Towns or parts thereof within the area of Falkirk Council shown within the boundaries edged red and shaded pink on Plan 14 annexed to and forming part of these byelaws is a designated place for the purpose of these byelaws.

Villages

Allandale
Banknock
Bonnybridge
Brightons
Carron & Carronshore
Dennyloanhead
Dunipace
Fankerton & Stoneywood
Glen Village
Haggs
Hallglen
Head of Muir
High Bonnybridge
Laurieston
Maddiston
Polmont
Redding
Reddingmuirhead
Rumford
Shieldhill
Wallacestone
Westquarter

Towns

Denny
Falkirk
Grangemouth
Larbert
Stenhousemuir